

**UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

K & M NORTHFIELD DOGE, INC.,

Plaintiff,

v.

ADVANCE GLOBAL SOLUTIONS, INC.,

Defendant.

Case No. 1:18-cv-00439

Honorable _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Advance Global Solutions, Inc. removes to this Court the state court action filed by K & M Northfield Doge, Inc.

1. On September 29, 2017, an action was commenced in the Kent County Circuit Court, styled *K & M Northfield Dodge, Inc. v. Advance Global Solutions, Inc.*, No. 17-08941-CBB.

2. Although a copy of the summons and complaint was delivered to Advance Global Solutions by certified mail on October 10, 2017, Advance Global Solutions has not yet been formally and properly served with a copy of the summons and complaint. *See, e.g., Capaldi v. Am. Credit & Collections, LLC*, No. 12-10254, 2012 U.S. Dist. LEXIS 184157, 2012 WL 6822038, at *1 (E.D. Mich. Dec. 13, 2012) (“In this case, plaintiff only served the complaint by registered mail and thus, did not comply with either of the proper service options available for service of corporations under Rule 4(h) and Michigan law.”); *Malloy v. Watchtower Bible & Tract Soc’y*, No. 17-10635, 2017 WL 3727171, at *2 (E.D. Mich. Aug. 30, 2017) (“Plaintiff failed to properly serve the summons and Complaint on Defendant (a corporation) pursuant to Rule 4(h), which requires personal service on ‘an officer, a managing agent or general agent, or another agent authorized by appointment or by law to receive service of process.’ The rule does not provide for service of process upon corporations by mail.”).

3. Advance Global Solutions, Inc. has not appeared in the state court action.

4. This Notice is therefore timely. *See* 28 U.S.C. § 1446(b).
5. A copy of all pleadings filed in the state court action is attached as **Exhibit 1**.
6. This is a civil action between citizens of different states because:
 - a. K & M Northfield Dodge, Inc. is a Michigan corporation with its principal place of business in Kent County, Michigan, both at the time the lawsuit was filed and at the time of removal (*see* Compl. ¶ 1);
 - b. Advance Global Solutions, Inc. is a Virginia corporation with its principal place of business in Virginia, both at the time the lawsuit was filed and at the time of removal (*see* Compl. ¶ 2).
7. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. (Compl. ¶¶ 25, 33.)
8. This Court thus has original jurisdiction under 28 U.S.C. §1332, and the action may be removed to this Court pursuant to 28 U.S.C. §1441(b).
9. Venue is proper in this Court because this District and Division embrace the place where the state court action was brought. *See* 28 U.S.C. § 1441(a).
10. After filing this Notice of Removal, Advance Global Solutions will give written notice thereof to all adverse parties and will file a copy of the notice with the clerk of the Kent County Circuit Court. *See* 28 U.S.C. § 1446(d).

Accordingly, Advance Global Solutions, Inc. prays that this action be removed to this Court.

Respectfully submitted,

/s/David M. Zack

David M. Zack (P69944)

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Counsel for Advance Global Solutions, Inc.

Dated: April 19, 2018

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing document upon counsel for Plaintiff, Kevin B. Even, 900 Third St., Ste 204, Muskegon, MI 49440, by U.S. Mail, on April 19, 2018.

Respectfully submitted,

/s/David M. Zack

David M. Zack (P69944)

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